

REMARKS

Claims 1-3, 17-26 and 29-30 will be pending following entry of this amendment. Claims 1 and 29 are amended to more specifically recite the claimed subject matter.

Applicant respectfully submits that a Petition under 37 C.F.R. § 1.181 requesting Withdrawal of Finality of the Office Action is concurrently filed.

Claim Rejections under 35 U.S.C. §102 (b)

The Office Action rejects claims 1-3, 17-26 and 29-30 under 35 U.S.C. §102 (b) as anticipated by US patent no. US 5,733,926.¹ It is alleged that the reference discloses the use of isoflavonoids, such as genistein for the treatment of Alzheimer's disease.

Applicant respectfully submits that genistein is not within the scope of the amended claims. Further, the reference does not disclose use of any compound within the scope of the amended claims. Therefore, the claims are not anticipated by US patent no. 5,733,926.


CONCLUSION

In light of the above remarks, Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining issues.

No fee is believed to be due with this amendment. However, if it is determined that any fees are due, authorization is given to charge any necessary fees to Jones Day Deposit Account No. 50-3013 (Order No. 712576-999002).

Respectfully submitted,

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By  (Reg No. 44,536)
Megha Bhumralkar

For: Dale L. Rieger (Reg. No. 43,045)
JONES DAY
222 East 41st Street
New York, New York 10017
(858) 314.1200

¹ It appears that the Office Action erroneously identified the reference as US 5,773,926. The correct reference is listed in PTO Form-890 as US 5,733,926.